

After further discussion of the amendment by Senator Hudson, Senator Vick moved the Senate stand adjourned until 10:30 o'clock a. m. on Monday, February 26, 1951.

The motion was lost by the following vote:

Yeas—7

Colson	Martin
Hardeman	Moffett
Hudson	Vick
Lane	

Nays—19

Aikin	Moore
Ashley	Nokes
Bell	Parkhouse
Bracewell	Phillips
Carney	Russell
Carter	Shofner
Corbin	Strauss
Fuller	Tynan
Hazlewood	Wagonseller
Kelly of Tarrant	

Absent

Kelley of Hidalgo	Weinert
Lock	

Absent—Excused

Bullock	McDonald
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Question—Shall the bill be passed to third reading?

**Motion To Place S. B. 141 on
Second Reading**

Senator Parkhouse moved that Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 141 be taken up for consideration at this time.

The motion was lost by the following vote (not receiving four-fifths vote of the members of the Senate):

Yeas—20

Aikin	Lock
Ashley	Moffett
Bell	Moore
Carney	Nokes
Carter	Parkhouse
Corbin	Russell
Fuller	Shofner
Hudson	Strauss
Kelly of Tarrant	Vick
Lane	Wagonseller

Nays—5

Colson	Phillips
Hardeman	Tynan
Martin	

Absent

Bracewell	Kelley of Hidalgo
Hazlewood	Weinert

Absent—Excused

Bullock	McDonald
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Adjournment

On motion of Senator Bell, the Senate at 12:40 o'clock p. m. adjourned until 10:30 o'clock a. m. on Monday, February 26, 1951.

Record of Votes

Senators Corbin and Phillips asked to be recorded as voting "Nay" on the motion to adjourn.

TWENTY-SIXTH DAY

(Monday, February 26, 1951)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carney	Nokes
Carter	Parkhouse
Colson	Phillips
Corbin	Russell
Hardeman	Shofner
Hazlewood	Strauss
Hudson	Tynan
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	Weinert
Lane	

Absent—Excused

Fuller	Vick
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A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 22, 1951, was dispensed with and the Journal was approved.

Leaves of Absence

Senator Vick was granted leave of

absence for today on account of important business on motion of Senator Hardeman.

Senator Fuller was granted leave of absence for today on account of important business on motion of Senator Kelly of Tarrant.

Senate Resolution 59

Senator Phillips offered the following resolution:

Whereas, We are honored today to have in the gallery the Senior Class of Santa Fe Consolidated School, accompanied by their Principal, Mr. Riley Le Fevers, and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; now, therefore, be it

Resolved, That these individuals be officially welcomed and recognized by the Senate, and that they be extended the courtesies of the floor for the day, and that each member of this class be furnished with a copy of this resolution.

The resolution was read and was adopted.

Senate Resolution 61

Senator Parkhouse offered the following resolution:

Whereas, an Associated Press story out of Corpus Christi, appeared in the public press on Thursday, February 8, 1951, as follows:

"UNION LABOR TO BUILD CORPUS CHRISTI PLANT"

"Corpus Christi, Feb. 8.—(AP) Union officials said here today, Thursday, that all union labor would be used in building the \$80,000,000 Reynolds Aluminum Company plant near here.

"Harry Carrol of San Antonio, Vice-President of the Brotherhood of Painters, Paperhangers and Decorators of America, said he had been told by representatives of the Aluminum reduction plant that labor would be 'all union.'

"Joe Brady of Houston, Executive Secretary of the Gulf Coast Employers Council, estimated that it would take 8,000 men working 24-hour shift if the Reynolds contract is completed by January 1, 1952."

Whereas, from such story it appears that the "Right to Work" law

passed by the 50th Legislature (Acts 1947, p. 107, ch. 74) has been or is about to be violated, by requiring a person to belong to a labor union as a condition to securing employment on this vast defense project, thus making it impossible for many Texas citizens to obtain employment; and

Whereas, it also appears from the press that the contract for the construction of this \$80,000,000 project has been given to a Delaware corporation, authorized to do business in Texas since 1933, and that such corporation has either voluntarily agreed to violate this law or has been coerced into so doing; and

Whereas, it is generally talked and, from court decisions, it appears that labor organizations in this State have flagrantly flouted and disobeyed this law, and have by coercion and intimidation caused others to do so; and

Whereas, for the past few years, particularly in 1950, it has been widely charged that labor organizations have expended huge sums of money in attempts to elect some and to defeat other candidates; and

Whereas, labor organizations have enjoyed and now enjoy favored treatment, over other citizens of this State, by our laws; therefore, be it

Resolved, by the Senate of the State of Texas:

Section 1. That the Senate General Investigating Committee, authorized by Senate Resolution 12 on January 17, 1951, forthwith commence, and diligently continue, a sweeping investigation of all labor organizations in this State for the purpose of determining law violations, if any, and the administration of all State laws, as they may affect labor organizations.

Section 2. That such committee shall function, in all things, under Senate Resolution 12, except where the same may be in conflict with this resolution.

Section 3. That said committee shall from time to time submit reports in writing to the Senate of Texas, the first such report to be made within thirty (30) days from the enactment of this resolution, setting forth its findings, together with any recommendations for legislation or other action to be taken by the Legislature of the State of Texas.

The resolution was read and was adopted.

Record of Votes

Senators Lane, Moore, Hardeman, Russell and Carter asked to be recorded as voting "Nay" on the adoption of the above resolution.

Senate Resolution 62

Senator Ashley offered the following resolution:

Whereas, We have with us today Mrs. R. G. Hartson, the sister of our distinguished colleague, Senator Ottis E. Lock, and

Whereas, We are glad to have this outstanding citizen of Lufkin with us today; now, therefore, be it

Resolved, By the Senate of the State of Texas, that Mrs. R. G. Hartson be welcomed by the Senate and given the privileges of the floor for the day.

The resolution was read and was adopted.

Reports of Standing Committees

Senator Strauss submitted the following report:

Austin, Texas,
February 26, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred H. B. No. 104, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be lithographed and not otherwise printed.

STRAUSS, Chairman.

Senator Moffett submitted the following report:

Austin, Texas,
February 26, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred S. B. No. 209, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Chairman.

Senate Bills and Resolution on First Reading

The following bills and resolution

were introduced, read severally first time and referred to the committees indicated:

By Senator Martin:

S. B. No. 250, A bill to be entitled "An Act to apportion the State of Texas into Congressional Districts, naming the Counties composing the same, and providing for the election of a member of the Congress of the United States from each district, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

To Committee on Congressional Districts.

By Senator Strauss:

S. B. No. 251, A bill to be entitled "An Act regulating the taking and killing of squirrels in Lavaca County; providing an open season for the taking or killing of squirrels; limiting the number of squirrels that may be taken in any one day and limiting the number of squirrels that any person may have in possession at any time; fixing penalties for the violation of this act; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

To Committee on Game and Fish.

By Senator Kelly of Tarrant:

S. B. No. 252, A bill to be entitled "An Act amending Article 62, Chapter 2, Title 2, Penal Code of Texas, 1925, providing that if it be alleged and shown on the trial of a felony case that the defendant has been before convicted of any felony, the punishment on such second conviction shall be double the punishment prescribed for such offense in ordinary cases; and declaring an emergency."

To Committee on Criminal Jurisprudence.

By Senator Kelly of Tarrant:

S. B. No. 253, A bill to be entitled "An Act amending Article 63, Chapter 2, Title 2, Penal Code of Texas, 1925, providing that if it be alleged and shown on the trial of any felony case that the defendant has been twice or more than twice before convicted of any character of felony, the punishment on such third or subsequent conviction shall be either (1) four times the punishment prescribed for such offense in ordinary cases or (2) imprisonment in the penitentiary for life, or (3) in cases where the law

provides such punishment, death; and declaring an emergency."

To Committee on Criminal Jurisprudence.

(Senator Bracewell in Chair.)

By Senator Kelly of Tarrant:

S. B. No. 254, A bill to be entitled "An Act to amend Chapter 2, Title 2, Penal Code of Texas, 1925, by adding thereto Article 64-a, providing that where increased punishment is provided for in said Chapter by reason of any previous conviction of an offense, such previous conviction may be used for such purpose regardless of whether the same may have theretofore been used to enhance the punishment in any other case or cases, and declaring an emergency."

To Committee on Criminal Jurisprudence.

By Senator Kelly of Tarrant:

S. B. No. 255, A bill to be entitled "An Act repealing Article 64, Chapter 2, Title 2, Penal Code of Texas, 1925, and declaring an emergency."

To Committee on Criminal Jurisprudence.

By Senator Kelly of Tarrant:

S. B. No. 256, A bill to be entitled "An Act amending Article 59, Chapter 2, Title 2, Penal Code of Texas, 1925, to provide that the rules as to increase or diminution of punishment have no application to the punishment of death, imprisonment in the penitentiary for life, or deprivation of civil or political rights, and declaring an emergency."

To Committee on Criminal Jurisprudence.

By Senator Carney:

S. B. No. 257, A bill to be entitled "An Act limiting the number of bream and perch that may be caught or taken from the waters of Caddo Lake and its tributaries in any one day; providing penalties for violation of this act; and declaring an emergency."

To Committee on Game and Fish.

By Senator Carney:

S. B. No. 258, A bill to be entitled "An Act making it unlawful to take or possess any alligator or alligators in any portion of Marion County; providing a penalty for violation of this act; and declaring an emergency."

To Committee on Game and Fish.

By Senator Parkhouse:

S. J. R. No. 14, Proposing an amendment to Section 62 of Article XVI of the Constitution of the State of Texas, authorizing the Legislature to provide a Retirement, Disability and Death Compensation Fund for the elective officers and employees of the State and County as well as the appointive ones.

To Committee on Constitutional Amendments.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
February 26, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 185, A bill to be entitled "An Act authorizing counties having a population of not less than 28,000 and not more than 28,200 inhabitants, according to the last preceding Federal Census, to expend monies for the purpose of maintenance and upkeep of the public cemeteries; and declaring an emergency."

The House has concurred in Senate amendments to House Bill No. 14 by vote of 113 ayes, 2 noes, and 1 present not voting.

S. C. R. No. 28, In memory of Honorable Adam R. Johnson.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

(President in Chair.)

Motion to Re-refer

Senator Moore moved to withdraw S. B. No. 59 from the Committee on State Highways and Motor Traffic and re-refer to the Committee on State Affairs.

The motion was lost.

Bills Signed

The President signed in the presence of the Senate, after the captions had been read, the following enrolled bills:

S. B. No. 124, A bill to be entitled "An Act creating Road District No. 3-A of Burnet County, Texas, under authority of Article 3, Section 52, of

the Constitution of Texas, for the purpose of the construction, maintenance and operation of macadamized, graveled or paved roads and turnpikes or in aid thereof; etc.; and declaring an emergency."

S. B. No. 147, A bill to be entitled "An Act validating the creation of Road District Number 4-B, of Atascosa County, Texas; etc.; and declaring an emergency."

House Bill on First Reading

The following bill received from the House today, was read first time and referred to the committee indicated:

H. B. No. 185—To Committee on State Affairs.

Senate Bill 26 on Third Reading

The President laid before the Senate on its third reading and final passage:

S. B. No. 26, A bill to be entitled "An Act amending Article 4192 of the Revised Civil Statutes of the State of Texas, 1925, so as to authorize guardians of the estates of minors, persons of unsound mind, and other persons, appointed under the laws of this State, to make, enter into and execute oil and gas leases and oil, gas and mineral leases upon lands belonging to the estates of their wards

and providing, etc.; and declaring an emergency."

The bill was read.

On motion of Senator Bullock, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill was passed by the following vote:

Yeas—29

Aikin	Hazlewood
Ashley	Hudson
Bell	Kelley of Hidalgo
Bracewell	Kelly of Tarrant
Bullock	Lane
Carney	Nokes
Carter	Parkhouse
Colson	Phillips
Corbin	Russell
Hardeman	Shofner
Lock	Strauss
Martin	Tynan
McDonald	Wagon seller
Moffett	Weinert
Moore	

Absent—Excused

Fuller	Vick
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Adjournment

On motion of Senator Hardeman, the Senate at 11:20 o'clock a. m. adjourned until 10:30 o'clock a. m. tomorrow.

In Memory of Adam R. Johnson

Senator Ashley offered the following resolution:

(Senate Concurrent Resolution 28)

Whereas, Adam R. Johnson, who was called from his earthly labors, Tuesday, February 13, 1951, at Austin, Texas, was born in Burnet, Texas, August 25, 1872, son of General and Mrs. Adam R. Johnson; and

Whereas, He was born to a family that helped to pioneer Burnet County and that region of Texas surrounding Burnet, Adam R. Johnson carried on through his busy and useful life the tradition and spirit of his forebears in effective leadership as a business man, civic developer, and respected public servant; and

Whereas, He received his early education in the schools of Burnet County, and entered business at the age of sixteen (16). Married ten years later, January 12, 1898, he shortly thereafter entered the service of his country with the outbreak of the Spanish-American War. He served with the First Texas Regiment, stationed at Miami, Florida, and returned to Burnet at the close of the war to resume management of the Carey-Lombard Lumber Company at Burnet; and

Whereas, Adam R. Johnson entered the general mercantile business in 1905, but sold out his interests August 1, 1918, and enlisted in the service of his country to participate in World War I. Commissioned a Major in the Army of the United States, he was stationed at Camp Funston, Officers' Training School, at the close of the War; and

Whereas, After resigning his commission in the Army, he removed from Burnet to Austin, where January 1, 1920, by appointment from Governor William P. Hobby, he became a member of the Texas State Board of Control, a post he resigned in October, 1921, to re-enter business as head of the Adam Johnson Company, purchasers of the T. H. Williams business at Fifth Street and Congress Avenue in Austin. The business was operated under his company until January 1, 1926, when T. H. Williams repurchased the firm; and

Whereas, When the electorates of Austin adopted the City Manager form of local government, Adam R. Johnson, on July 1, 1926, became the first city manager appointed under the new form of municipal government. He filled this post with vigor, intelligence, and distinction until May 1, 1933, when he retired from office with the retirement of Mayor P. W. McFadden; and

Whereas, In the distressing times of the 1930's, when means were adopted by the people and by the government to protect and help citizens beset by overwhelming misfortune, Adam R. Johnson, as Director of the Texas Relief Commission, again distinguished himself as an administrator, with a mind for business and a heart for humanity. Later, with adoption of the Selective Service System in 1940, Adam R. Johnson accepted appointment as a member of Travis County Draft Board No. 1 and served in that office until the close of World War II; and

Whereas, It is deemed fitting that the passing of this true son of a noted Texas family should be observed with appropriate witness of the respect and affection accorded Adam R. Johnson by his friends, his family, and fellow citizens; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that we extend to the members of the esteemed family of this worthy Texan, who was always among the first in any field of enterprise or progress affecting the interests of Texas and the community in which he lived, and here express our sincere sympathy in his passing; that we recognize his service to the State of Texas and to its people; that an enrolled copy of this resolution be furnished members of his family; and that when the Senate adjourns today, it do so in tribute to the memory of Adam R. Johnson.

ASHLEY

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Bell, Bracewell, Bullock, Carney, Carter, Colson, Corbin, Fuller, Hardeman, Hazlewood, Hudson, Kelley of Hidalgo, Kelly of Tarrant, Lane, Lock, Martin, McDonald, Moffett, Moore, Nokes, Parkhouse, Phillips, Russell, Shofner, Strauss, Tynan, Vick, Wagonseller, Weinert.

The resolution was read.

On motion of Senator McDonald, the names of the Lieutenant Governor and all of the Senators were added to the resolution as signers thereof.

The resolution was adopted by a rising vote of the Senate.

In Memory of

Honorable Edward Thomas Branch

Senator Bracewell offered the following resolution:

(Senate Resolution 60)

Whereas, God in His infinite wisdom on February 7, 1951, called to rest Edward Thomas Branch of Houston, Harris County, Texas; and

Whereas, Edward Thomas Branch was born seventy-five years ago in Galveston County, Texas, and spent sixty-five years of his life in the study of law, becoming the leading authority in Texas on the Criminal Jurisprudence of the Lone Star State; and

Whereas, Edward Thomas Branch was admitted to the bar in 1897 in a Dallas court room and served with distinction thereafter as a District Attorney and Assistant District Attorney most of the years of his adult life; and

Whereas, In 1911 Edward Thomas Branch wrote a book entitled *Criminal Law of Texas*, consisting of trial briefs on criminal law; and

Whereas, In 1916 he wrote *Branch's Annotated Penal Code*, containing an annotated revision of the criminal laws of Texas as of that date; which volumes are relied upon by the bench and bar of Texas as the leading authorities on criminal law in Texas; and

Whereas, In 1925 at the request of Governor Pat Neff he compiled the State's criminal statutes in a volume entitled *Codified Criminal Statutes*; and

Whereas, Edward Thomas Branch was considered to be an outstanding authority on criminal law and one of the great landmarks in the Criminal Jurisprudence of Texas; and

Whereas, Edward Thomas Branch gave willingly his services and undaunted energy to the betterment of the State of Texas, exemplifying the finest qualities of a public servant and great lawyer; and

Whereas, Edward Thomas Branch is survived by his widow, Mrs. Daisy Branch; four children, Douglas Branch of Chicago, Illinois; Howard Branch of San Antonio, Texas; Mrs. Clifton Coulter of Rochelle, Illinois; and Miss Eleanor Branch of Houston; three grandchildren and a great-grandson; now, therefore, be it

Resolved, By the Senate of the State of Texas, that this body acknowledge with regret the loss to the State of Texas which occurred with the passing of Edward Thomas Branch, a fine public servant, who will ever be remembered in the history of this State as a man possessed with the innate qualities of integrity and foresight; a man who left his mark indelibly inscribed in the Criminal Jurisprudence of Texas; a devoted husband; and a kind father; and be it further

Resolved, That copies of this resolution be forwarded to Mrs. Daisy Branch, his widow, and to their four children.

BRACEWELL

The resolution was read and was adopted by a rising vote of the Senate.

In Memory of
Judge C. S. Slatton

Senator Parkhouse offered the following resolution:

(Senate Concurrent Resolution 29)

Whereas, An all-wise Providence has seen fit to close the illustrious career of Judge C. S. Slatton, General Attorney for the Southwestern Bell Telephone Company of Dallas, Dallas County, Texas, by calling him to his Heavenly reward on Friday, February 23, 1951, in the 57th year of his life; and

Whereas, Judge Slatton was born in Eastland County, Texas, on March 13, 1895. He was educated at Scranton Academy, Scranton, Texas; Stamford College at Stamford, Texas; Cumberland Law School at Lebanon, Tennessee; and the University of Texas Law School at Austin; and

Whereas, He served in the armed forces of the United States during World War I, enlisting as a private in the Signal Corps of the U. S. Army, and when discharged was a lieutenant in that same branch of the service; and

Whereas, He was County Attorney of Atascosa County in 1925; District Attorney of the 81st Judicial District from 1927 to 1930; engaged in the private practice of law at San Antonio and in Southwest Texas from 1930 to 1937; was appointed Associate Justice of the Court of Civil Appeals at San Antonio by Governor Allred in January, 1937; he remained a member of that court until January 1, 1940, when he was appointed as a member of Section B of the Commission of Appeals by the Justices of the Supreme Court; he became Associate Justice of the Supreme Court of Texas on September 21, 1945, when the Judicial Amendment to the Constitution was adopted. He resigned as Associate Justice on September 30, 1947, to become General Attorney for the Southwestern Bell Telephone Company; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that we extend to the members of the esteemed family of this illustrious Texan our deep sense of loss and sincere sympathy in his passing; that we recognize his services; that an enrolled copy of this resolution be furnished to his widow, Mrs. Claudia Baldwin Slatton; and to his son, Jimmie Slatton; and that when the Senate adjourns today it do so in tribute to the memory of Judge C. S. Slatton.

PARKHOUSE

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Ashley, Bell, Bracewell, Bullock, Carney, Carter, Colson, Corbin, Fuller, Hazlewood, Hardeman, Hudson, Kelley of Hidalgo, Kelly of Tarrant, Lane, Lock, Martin, McDonald, Moffett, Moore, Nokes, Phillips, Russell, Shofner, Strauss, Tynan, Vick, Wagonseller, Weinert.

The resolution was read.

On motion of Senator Ashley the names of the Lieutenant Governor and all the Senators were added to the resolution as signers thereof.

The resolution was adopted by a rising vote of the Senate.